

REMARKS

Entry of this amendment is respectfully requested.

The objection to claim 27 has been overcome by the objection thereto.

Claims 20-38 were rejected under 35 U.S.C. §103(a) over Albrecht in view of Shendy.

Applicants respectfully traverse.

Albrecht discloses copolymers of unsaturated mono- or dicarboxylic acid derivatives and oxyalkyleneglycol-alkenyl ethers which are able to maintain, for a period of time which meets practical requirements, the processability of highly concentrated building material mixtures with low metering, for strength, increased simultaneously by an extreme reduction in the water/binder ratio, in the hardened state of the building material. However, these copolymers, which have relatively short side chains, have a disadvantage in that the early strength development of the corresponding building material mixtures is less than optimum.

The copolymers of the prior art and, in particular, copolymers according to Albrecht, thus, contain oxyalkyleneglycol-alkenyl ether monomers, wherein the oxyalkyleneglycol units are shorter than those according to the present application.

Shendy discloses polyalkylene oxide residues which act as defoamers for foaming dispersant compositions. The dispersants of Shendy cited by the Examiner (par. [0067]) are quite similar to elements of structural unit 1 of the present application; however, it cannot be ascertained from the cited passage that the dispersants described therein are used in the form of copolymers according to the present invention. These polyalkylene oxide residues are not covalently bonded to other non-polyalkylene oxide residues. The structural element of a polyalkylene glycol side chain polymerized into the comb polymer-like structure according to the inventive fluidizers is, of course, somewhat different, not only in chemical structure but also

from the point of view of their chemical action (fluidizer with early strength) from a non-polymerized, chemically similar product corresponding to the defoamer of Shendy.

Furthermore, a person of skill in the art would not be motivated by the cited reference to integrate the defoamers disclosed by Shendy in the fluidizers disclosed by Albrecht by covalent bonding as an element of copolymers to arrive at the subject matter of the present application.

Moreover, none of the cited references describes that the early strength in building material mixtures can be improved by using copolymers having long side chains. Therefore, the Examiner has combined Albrecht and Shendy using impermissible hindsight.

Thus, this rejection should be withdrawn.

It is also respectfully submitted that the nonstatutory obviousness-type double patenting rejection of claims 20-38 over Albrecht in view of Shendy is overcome for reasons set forth above.

Furthermore, in view of the foregoing explanation of the differences between the disclosure of the cited references and the presently claimed invention, there is no need to make any of the showings proposed by the Examiner in items 3.2-3.4 of the office action.

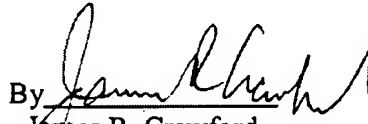
In view of the foregoing, allowance is respectfully requested.

The Commissioner is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in

this application by this firm) to our Deposit Account No. 50-0624, under Order No. NY-HUBR-1298-US.

Respectfully submitted

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